

## REMARKS

The above amendments are made in response to the Office action of May 31, 2007. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-8 stand rejected over any prior art references.

Claims 1-7 have been canceled and claim 8 has been amended. Claims 9-16 are new, leaving claims 8-16 for consideration upon entry of the present amendment. Support for the amendments to claims 8-16 may be found at least in FIG. 2 and pages 5 and 6 of the application as filed. No new matter has been added.

### ***Claim Rejections Under 35 U.S.C. § 102***

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Ichikawa et al. (U.S. Patent No. 6,426,812, hereinafter "Ichikawa"). The Examiner states that Ichikawa discloses all of the elements of the abovementioned claims, primarily in FIG. 12 and column 3, line 40. Applicants respectfully traverse for at least the reason set forth below.

First, it is respectfully noted that claims 1-4 and 6 have been canceled rendering any rejection thereto moot.

Ichikawa is directed to a hologram color filter in which FIG. 12 thereof relied upon by the Examiner discloses a microlenses 8 (i.e., light diffraction layer) disposed between a black matrix 4 and hologram 7. However, the Examiner states on page 2 of the Detailed Action that the reference discloses the light diffraction layer disposed between

the black matrix and the red, green, and blue color filters [see microlenses 8 positioned between the hologram 7 and the black matrix 4, the hologram makes up the color filter]”.

However, FIG. 12 clearly illustrates the black matrix 4 disposed between the red, green and blue color filters of the liquid crystal display 6 and the microlenses 8. Ichikawa does not teach or suggest the light diffraction layer is formed on the inner or outer surface of the first panel constituting the liquid crystal display but the microlens array 8 disclosed in “812” is spaced apart from the liquid crystal display device 6. More specifically, Ichikawa does not teach or suggest a light diffraction layer formed directly on the inner surface or an outer surface of the insulating substrate and having a slit pattern or a diffraction lattice for diffracting light passing through a liquid crystal layer, as recited in amended claim 8.

Therefore, it is respectfully submitted that claim 8, including claims depending therefrom, i.e., claims 9-16, define over Ichikawa.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 1-4 and 6 under 35 U.S.C. §102(e).

Claims 1, 5, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Hisatake et al. (U.S. Patent No. 5,434,690, hereinafter “Hisatake”). The Examiner states that Hisatake discloses all of the elements of the abovementioned claims, primarily in FIG. 19 and column 30, line 5. Applicants respectfully traverse for at least the reason set forth below.

First, as noted above, claims 1, 5 and 7 have been canceled rendering any rejection thereto moot.

Hisatake discloses with respect to FIG. 1B (and FIG. 19 relied upon by the Examiner), electrodes 13 on an upper substrate 11. In particular, Hisatake discloses electrodes 13 arranged to form a plurality of stripes on the upper substrates 1 for each of the pixel units. The conductive section 13a and non-conductive section 13b of electrode 13 are set at the same intervals and opposed to each other with a shift of 1/2 pitch, respectively. (Col. 9, lines 7-13.) Hisatake does not disclose a black matrix of any kind, nevertheless a black matrix formed directly on an inner surface of the insulating substrate.

Furthermore, the upper electrode 13 disclosed in Hisatake does not correspond to the light diffraction layer of the present invention, but corresponds to the common electrode of the present invention. The light diffraction layer of the present invention is not an electrode.

In particular, Hisatake does not teach or suggest a light diffraction layer formed directly on the inner surface or an outer surface of the insulating substrate and having a slit pattern or a diffraction lattice for diffracting light passing through a liquid crystal layer; and a common electrode formed on the light diffraction layer, as recited in amended independent claim 8. Therefore, it is respectfully submitted that claims 8, including claims depending therefrom, i.e., claims 9-16, define over Hisatake.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 1, 5, 7 and 8 under 35 U.S.C. §102(b).

### ***Rejections Under 35 U.S.C. § 103***

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143. Claims 3, 4, 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of Applicants' prior art (FIG. 3).

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ichikawa in view of the knowledge available to one of ordinary skill in the art. The Examiner states that Ichikawa discloses all of the elements of claim 8 except, *the second*

*substrate*, which the Examiner further states would have been obvious to one of ordinary skill in the art at the time the invention was made.

First, it is respectfully noted that claim 8, as amended, is allowable for defining over Ichikawa as discussed above. Second, it is respectfully noted that use of *the second substrate* does not cure the deficiencies noted above with respect to Ichikawa.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claim 8 under 35 U.S.C. §103(a).

### ***Conclusion***

In light of the above remarks, the present application including claims 1-14 are believed to be in condition for allowance.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the outstanding rejections. If there are any charges due with respect to this response, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

Respectfully submitted,

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